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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

KELLY JEAN O'LEARY,
Plaintiff,
vs.
KILOLO KIJAKAZI,
Acting Commissioner of Social Security,¹
Defendant.

) Case No.: 2:21-cv-00889-WGC
)
) **ORDER GRANTING UNOPPOSED MOTION**
) **FOR EXTENSION OF TIME TO FILE**
) **CERTIFIED ADMINISTRATIVE RECORD**
) **AND ANSWER**
)
) **(*FIRST REQUEST*)**
)
{

¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

Defendant, Kilolo Kijakazi, Acting Commissioner of Social Security (the “Commissioner”), by and through her undersigned attorneys, hereby moves for a 35-day extension of time to file the Certified Administrative Record (CAR) and answer to Plaintiff’s Complaint. The CAR and answer to Plaintiff’s Complaint were due to be filed by August 27, 2021 and the new due date would be October 1, 2021. This is the Commissioner’s first request for an extension of time.

Defendant makes this request in good faith and for good cause, because the attorney previously assigned to this case, S. Wyeth McAdam, is no longer employed with the Social Security Office of the Regional Chief Counsel, Reg. IX and the case must be reassigned. The CAR is this case was not available on the original due date and was only received by our office this week. An attorney must be assigned to review the CAR for deficiencies prior to filing. Our office is working quickly to reassign this matter so that the CAR can be reviewed and filed in a timely manner. Given the volume of pending cases being handled by our attorneys at this time, the reassignment process has not yet been completed.

On September 16, 2021, the undersigned conferred with Plaintiff's counsel, who has no opposition to the requested extension. It is therefore respectfully requested that Defendant be granted an extension of time to file the CAR and answer to Plaintiff's Complaint, through and including October 1, 2021.

Dated: September 16, 2021

CHRISTOPHER CHIOU
Acting United States Attorney

/s/ Andrea Banks
ANDREA BANKS
Special Assistant United States Attorney

IT IS SO ORDERED:

Walter G. Cobb

UNITED STATES MAGISTRATE JUDGE
WILLIAM G. COBB

DATED: September 16, 2021